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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,472	01/16/2002	Cyrus E. Tabery	G0241	6131

7590 07/26/2004

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EXAMINER

DIMYAN, MAGID Y

ART UNIT PAPER NUMBER

2825

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,472

Applicant(s)

TABERY ET AL.

Examiner

Magid Y Dimyan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

I. Claims 1 – 7, drawn to a system for feeding forward reticle fabrication data comprising: fabrication components to perform reticle fabrication; control system to control fabrication components operation; measurement components to **measure** (via scatterometry) **fabrication parameters** from the fabrication process; and **signature data storage** to store scatterometry signatures.

Classified in class 716, subclass 20.

II. Claims 8 – ¹³~~17~~, drawn to a system for feeding forward reticle fabrication data comprising: fabrication components to perform reticle fabrication; component driving system to drive fabricating components; system for directing light on reticle; measuring system for **reflected/refracted light** from reticle via scatterometry; and **processor** coupled to measuring system to generate feed forward control for **selectively controlling** fabrication components via drive system. Classified in class 716, subclass 20.

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III. Claims 14 – 18, drawn to a method for feeding forward reticle fabrication control information comprising: performing reticle fabrication process; gathering reticle fabrication data via scatterometry; **determine** if subsequent reticle fabrication process/apparatus can **benefit** from receiving feed forward control information; and if it does, **selectively generate** feed forward control information and forward information to the reticle fabrication process/apparatus. Classified in class 716, subclass 20.

IV. Claims 19, drawn to a system for feeding forward reticle fabrication control data comprising: fabricating reticle; **sensing** reticle **fabrication parameters** via scatterometry; and **selectively generating** and feeding forward reticle fabrication control data to **facilitate** fabricating reticle. Classified in class 716, subclass 20.

2. Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a system for feeding forward reticle fabrication data that includes storage of the signature data; invention II has separate utility such as a system for feeding forward reticle fabrication data that includes a system for directing light on to a reticle and a processor for generating a feed forward control to selectively control the fabrication components; invention

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III has separate utility such as a method for feeding forward reticle fabrication control information that includes the determination if subsequent reticle fabrication would benefit from the feed forward control information, and if it does selectively generate and forward that information to the reticle fabrication system; while invention IV has separate utility such as a system for feeding forward reticle fabrication control data that includes means for sensing reticle fabrication parameters via scatterometry and means for selectively generating and feeding forward that information . See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of the recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magid Y Dimyan whose telephone number is (571) 272-1889. The examiner can normally be reached on Monday - Friday 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

myd
12 July 2004


VUTHE SIEK
PRIMARY EXAMINER

Magid Y Dimyan
Examiner
Art Unit 2825